

REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is responsive to the Office Action of February 14, 2006, in which claims 1-4 and 6-12 are presently pending. A courtesy copy of the claims is provided above. Of those, claims 6 and 12 remain rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,207,563 to Wieczorek, et al. Claims 1-4 have been allowed, while claims 7 and 11 are objected to as being dependent upon a rejected base claim (claim 6), but would be allowable if rewritten in independent form. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

In a telephone conference between the Examiner and the undersigned on March 3, 2006, the teachings of the Wieczorek reference were discussed. In particular, it was pointed out that layer 66 (as shown in Figures 6 and 7 of Wieczorek) represents the refractory metal layer used to form silicide contacts 64 after the device is annealed (Wieczorek, col. 8, lines 13-15). Thus, in Figure 7, remaining regions 66 represent unreacted portions of the refractory metal layer that are left in the device, and are not a cap layer that is formed over the refractory metal layer. In other words, layer 66 is still the refractory metal layer of Wieczorek, and a not cap layer as presently claimed. As such, only layer 70 in Wieczorek could then be construed as the claimed cap layer that is formed over refractory metal layer 66. That being the case, Wieczorek does not therefore teach a counter tensile layer over the cap layer 70 for an opposing directional stress as claimed, since layer 70 is the final layer shown therein.

Accordingly, since a counter tensile layer over the second (cap) layer 70 is completely missing from Wieczorek, claims 6 and 12 cannot be anticipated thereby, and it is respectfully submitted that the §102 rejections on this basis have been overcome.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0458 maintained by Applicants' attorneys.

Respectfully submitted,  
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